

**21505. Adulteration and misbranding of aspirin tablets. U. S. v. 10 Gross Packages and 2 Gross Bottles of Tablets Aspirin. Default decree of condemnation and forfeiture. Product relabeled and delivered to charitable organizations. (F. & D. no. 30517. Sample nos. 17351-A, 17352-A.)**

This case involved an interstate shipment of alleged 5-grain aspirin tablets. Sample tablets taken from the shipment were found to contain from 4.1 to 4.3 grains of aspirin each.

On May 24, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross packages and 2 gross bottles of aspirin tablets at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about April 1, 1933, by the Hampton Manufacturing Co., from Carlstadt, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tablets Aspirin Five Grains."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Tablets Aspirin Five Grains."

Misbranding was alleged for the reason that the statement on the label, "Tablets Aspirin Five Grains", was false and misleading.

On October 23, 1933, no claimant having appeared for the property and the court having found that the tablets contained less aspirin than was declared on the label but were fit for use as aspirin tablets, judgment of condemnation and forfeiture was entered, and it was ordered that they be relabeled to show the correct aspirin content and delivered to charitable organizations for use.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21506. Misbranding of Alberty's Calcatine and Alberty's Liver Cell Salts. U. S. v. 20 Bottles of Alberty's Calcatine and 16 Bottles of Alberty's Liver Cell Salts. Default decrees of condemnation and destruction. (F. & D. nos. 30358, 30359. Sample nos. 28839-A, 28840-A.)**

Examination of the products involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 27, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 20 bottles of Alberty's Calcatine and 16 bottles of Alberty's Liver Cell Salts at Washington, D.C., alleging that the articles had been shipped in interstate commerce, between the dates of December 28, 1932, and March 21, 1933, by Thomas Martindale & Co., from Philadelphia, Pa., into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that they consisted essentially of milk sugar.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Alberty's Calcatine) "A Cell and Tissue Salts \* \* \* Chief Remedy For The Growing Organism and For Correcting Constitutional Defects. Uses—Acidosis, indigestion, calcium starvation, diarrhea, brain irritation, teething children. A Tonic after acute diseases and for constitutional weaknesses, emaciation, bone diseases, scrofulous and tubercular tendencies"; (Alberty's Liver Cell Salts) "Liver Cell Salts For Malarial Disorders Bilioussness and Diseases of the Liver Uric Acid Diathesis Uses—Ailments marked by excessive secretions of bile and derangement of the liver, gravel, sand in the urine, bilioussness, headache with vomiting of bile, bitter taste, diabetes, trouble arising from living in damp places, malaria, gout."

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21507. Adulteration and misbranding of Rx A. S. Royce Antiseptic Solution. U. S. v. 117 Bottles of Rx A. S. Royce Antiseptic Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30550. Sample no. 31000-A.)**

This case involved a product represented to possess antiseptic and medicinal properties. Examination disclosed that the article was not an antiseptic when

used as directed, and contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 2, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 bottles of Rx A. S. Royce Antiseptic Solution at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, on or about April 25, 1933, by the National Medical Products Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a small proportion of boric acid (0.5 gram per 100 milliliters), traces of volatile oils including methyl salicylate and thymol, oxyquinoline sulphate, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard of "Antiseptic", under which it was sold, since it would not be an antiseptic when used as directed.

Misbranding was alleged for the reason that the following statements on the bottle label were false and misleading, since the product would not be an antiseptic when used as quoted: "Antiseptic solution \* \* \* general antiseptic containing among its several ingredients the powerful bacterial inhibitor, oxyquinoline. Use full strength or with two or three parts water for - gargle mouth wash - after shaving \* \* \* minor cuts \* \* \* nasal and throat spray \* \* \* for external applications \* \* \* bathe part with full strength \* \* \* feminine hygiene: three tablespoonfuls to pint of water." Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article were false and fraudulent: "Use \* \* \* for \* \* \* pyorrhea - gingivitis \* \* \* sores \* \* \* body rash."

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21508. Adulteration and misbranding of Espiritu Water No. 1. U. S. v. Eight 5-Gallon Bottles of Espiritu Water No. 1. Default decree of destruction. (F. & D. no. 31001. Sample no. 39238-A.)**

Examination of the mineral water involved in this case disclosed that it was polluted with fecal *Bacillus coli*, also that the labeling bore unwarranted curative and therapeutic claims.

On August 26, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight 5-gallon bottles of Espiritu Water No. 1 at Waycross, Ga., alleging that the article had been shipped in interstate commerce, on or about August 14, 1933, by the Espiritu Water Co., from Safety Harbor, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it was a moderately mineralized water, sodium chloride being the predominating mineral constituent together with other mineral substances common to ground waters. Bacteriological examination showed that the article was polluted with fecal *B. coli*.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "No. 1 Water is used for all stomach disorders or irregularities and is a positive cure in many cases of eczema and other skin eruptions. The Fountain of Youth \* \* \* These waters are recommended for Brights Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Neuritis, Stomach and Bowel Troubles, Rheumatism, Eczema, and Psoriasis \* \* \* are favorably known for their beneficial influence in diseases of the stomach, liver, and kidneys, rheumatism, neuritis, and kidney stones. The waters from these springs are famous for their miraculous cures."